

XI - 60

FAX TO: Air Division (AIR-3)  
ATTN: Robert Baker  
415 947-3579  
October 20, 2006

Hello Mr. Baker,

I recently attended a public meeting on the proposed Desert Rock coal powered plant where I was given your name and number to send my comments to.

It's a very sure thing in this world that money rules every political decision. In light of that, I'm pretty sure that my comments are most likely going to be like dust in the wind. But just in case some part of the decision-making process is based on how much negative input you receive about the new plant, I want my voice to be added.

Everyone in this country must be aware of the problem of global warming. I see it constantly; on the evening news, on TV specials, in magazine articles and in the newspaper. Even if there's a question that global warming actually exists or that human activity is actually causing it, there's also the very real possibility that it is occurring and that we are causing it. It appears to me that if we can change that possibility by our choices, we simply must choose correctly. A new power plant in the four corners region, or anywhere for that matter, simply isn't the way to proceed.

There have been many instances in history where the human race just marched right on into disaster, and our use of coal may be heading us in that direction. I know the Navajo nation is in dire need of a viable way to bring prosperity to their people, but there seem to be other options for the Navajo Nation. They also have plenty of wind and sun that could be used to generate electricity rather than coal. I think the Navajo Nation deserves better than this. I drive through there now and think how horrible it must be for the Navajo's who live under the huge cloud of air pollution that exists there already from the two existing power plants.

I know there are all sorts of issues connected to this process that I don't know about and that if I knew them I would better understand the choices you face. I also know that you are bound by the rules and regulations of the EPA, but I suspect that there are ways of making sure that the right choice is made. God help us all if your agency continues to make the wrong ones. I sincerely wish you the best with this hard decision.

Jade Halterman

Navajo Dam, NM 87419



**United States  
Environmental Protection  
Agency**

# Public Comment Form

(Please Print)

Name Maria Hancock

Address P.O. Box \_\_\_\_\_

Sunday, April 8, 1961

Affiliation Veterans of Foreign Wars, Sanskriti Veterans Organization

Telephone (505) \_\_\_\_\_

Email mbhanded@50years.com

Would you like to be added to our mailing list? ☒ Yes ☐ No

Comments: What would be the best method  
to apply for a job? Online or in person?

SEPT 5, 2006

ROBT BAKER:

I WOULD LIKE TO COMMENT ON PROPOSED  
DESERT ROCK POWER PLANT IN NORTHERN  
NEW MEXICO.

I AM "DOWNWIND" FROM THESE POWER PLANTS  
AND WITH THE NEW DESERT ROCK FACILITY  
WILL BE DETRIMENTAL TO OUR HEALTH.

WE ALREADY HAVE VERY HIGH LEVELS OF  
MERCURY FROM THE (2) DIRTY PLANTS NOW  
OPERATING ON NAVAJO LAND.

THIS NEW PLANT IS UNACCEPTABLE UNLESS STATE  
OF THE ART POLLUTION CONTROLS ARE INSTALLED  
AT ALL 3 PLANTS.

WE WILL DO EVERYTHING POSSIBLE TO MAKE  
THIS HAPPEN — WHY NOT DO THE RIGHT  
THING AND MAKE THESE FACILITIES SAFE  
AND NON-TOXIC? RIGHT NOW?



Mr. Brian Hoffman

Durango, CO 81301-6500

P.S. WE NEED MORE THAN VAGUE ASSURANCES.



XI-63

Mr. Robert Baker  
Air Division (Air-3)  
USEPA Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

## Public Comment Form

(Please Print)

Name Eric James

Address \_\_\_\_\_

Mancos, CO 81328

Affiliation \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

Would you like to be added to our mailing list? ☒ Yes ☐ No

Comments: Please extend comment period  
for the PDD permit to be commensurate  
with the Draft EIS.

**OCTOBER 26, 2006**

**ERIC JANES COMMENTS ON U.S. ENVIRONMENTAL PROTECTION AGENCY (REGION IX) PROPOSED PREVENTION OF SIGNIFICANT DETERIORATION PERMIT-DESERT ROCK ENERGY CENTER, (AZP 04-01)**

**1. GENERAL COMMENTS:**

I am submitting these comments to EPA on the proposed Desert Rock PSD permit. I am a resident of the Mancos, Colorado area, Montezuma County and am vitally interested in reversing the decline of air quality that we are experiencing in this area, as well as obtaining a much better local network of ozone and mercury monitors. I reject the argument of some air quality officials that the Chapin Mesa air quality monitoring activity at the south end of Mesa Verde National Park is adequate for and representative of this portion of southwestern Colorado.

The public comment period and EPA schedule for the proposed Prevention of Significant Deterioration permit is different than the comment period so far projected for the draft Desert Rock Environment Impact Statement, and the schedule of compliance under the National Environmental Policy Act of 1969. It is inappropriate for any federal official to make a decision of such importance to residents of the Four Corners, when we are unable to read the draft EIS at the same time that we are commenting on the proposed PSD permit. The PSD permit and the proposed action to build Desert Rock are both Federal actions involving complex technologies, pollutant emission and transport, and cross-media impacts on air, water, and soil. By your decisions/actions resulting in un-synchronized public involvement for the PSD permit and the NEPA process of impact disclosure and display of alternatives, you have only added to the complexity facing residents of the Four Corners who wish to comment. It is we who will have to live in and around the impacts, unlike those living in AZ, NV and California who will receive the electricity produced. To eliminate the pre-decisional track EPA has placed the PSD permit on, I request that you postpone any decision on the PSD permit until after the public has had an opportunity to comment on the Draft EIS and until your responses to those comments are provided back to the public.

I am disappointed in the tone set by EPA Associate Air Resources Division Director Colleen McKaughan on Sept. 14, 2006 at Durango when she stated that the air in the Four Corners area and on the Navajo Reservation is so very clean that construction of

the Desert Rock plant would not have any significant impact on our air quality. What kind of senior management perspective, what depth of regional air resources regulation and policy experience could allow for such an uninformed view to be spouted out in a public forum? Is Ms. McKaughan's view that "the Solution to Pollution is Dilution" shared by EPA Administrator Steve Johnson and the Region IX Administrator? Clean air is important not only for the health of our Montezuma County residents, and health of members of the Ute Mountain Ute and Navajo Nations, but is it also important for the County's two major industries, tourism and agriculture.

Tourists come here from Denver, Salt Lake City, L.A., and the SF Bay Area among others expecting to see clear vistas for miles and better air than they left behind in their cities. Tourists do not expect to see yellow brown haze of nitrous and sulphur oxides creeping into the Montezuma Valley and across Mesa Verde, causing Shiprock to not even be visible from Far View with binoculars dozens of days each year! Elevated levels of ozone may also harm the health of our forest vegetation on the San Juan National Forest, as has happened from ozone and the interaction with solar radiation on San Bernardino National Forest lands near Riverside, California. Your approval of the PSD permit will compete with and damage goals of President Bush's Healthy Forest Initiative.

In addition, if the EPA approves this PSD, it will be done in direct opposition to the EPA's participation in and support of the 16 agency Federal Interagency Committee for the Management of Noxious and Exotic Weeds. Research has shown that nitrous oxide and sulfur dioxide emitted by power plants such as Desert Rock can adversely affect root systems of native species and cultivated crops, thus stimulating invasion of non-native weeds, and opening the door for harmful effects to riparian areas and upland watersheds and streams. Can EPA show any evidence that they have considered this impact of Desert Rock emissions in the PSD process?

## **2. USE OF BEST AVAILABLE CONTROL TECHNOLOGY IN DESIGN OF THE PROPOSED PSD PERMIT FOR THE DESERT ROCK ENERGY CENTER**

The proposed PSD permit, if finalized through approval by the EPA will allow Sithe Global Energy to construct two supercritical pulverized coal fired boilers. I do not believe that supercritical pulverized coal fired boilers represents BACT. This is the same technology that the U.S. power companies have been using since the 1950s, and it produces mercury pollution, sulfates and nitrates, atmospheric carbon dioxide, and

acid rain. I believe that Best Available Control Technology can only be achieved at Desert Rock by using a combination of technologies known as the Integrated Gasification Combined Cycle (IGCC) design. Two IGCC plants operate in the U.S. today, one near Tampa, FL and one on the Wabash River in Indiana. These IGCC plants can be built to capture carbon dioxide that they release, which will greatly aid us in reducing global warming emissions over the 60 year life of those plants. Since the U.S. now emits 20% of the world's carbon dioxide, it is our responsibility to use the technology and economic muscle we have build the 100 new coal power plants that will be needed by 2020 using IGCC standards, and a great place to start is on the Navajo reservation with Desert Rock. By 2020 China will be the greatest emitter of carbon dioxide, based on the expectation that they will add 300,000 megawatts of coal production by 2020, all by means of obsolete pulverized coal burning.

I disagree with the EPA decision to not include IGCC as an alternative to a pulverized coal fired boiler, based on a determination that this would be redefining the source. Not only does the EPA have a responsibility to encourage industry to use the very best in technology so that air and water impacts which you oversee are minimized. You also have a responsibility as the President's Agency for Environmental Protection, to support Sustainability goals which would include the stretching out of coal resources for a longer period on the Navajo Reservation, with the use of these advanced coal gasification technologies. In addition, the Secretary of the Interior has Tribal Trust Responsibility to also assure the wise and perpetual use of Navajo coal for the long-term economic well-being of the Navajo Nation members. I would hope that the EPA and the U.S. Department of Interior are consulting on this matter of sustainable coal supplies on the Navajo lands relative to the technology options like IGCC. Can you assure me that such communication is occurring?

### **3. EFFECTS OF THE PROPOSED PERMIT AND DESERT ROCK CONSTRUCTION ON CLEAN AIR ACT CLASS ONE AREAS**

In its assessment of the proposed PSD permit approval on our ambient air quality, the EPA needs to recognize the close relation between environmental amenities in our area (clean air, clean water, maintenance of outstanding Class One vistas) and sustainable development standards for the diverse sectors of our local economy. Our communities in Montezuma County face substantial economic challenges because of our isolation, limited water resources, small population, and high transportation costs. Our outstanding environmental amenities, which include world-class cultural and historic resources must be protected. Any additional energy project development

such as Desert Rock, whether it be on tribal lands or non-tribal lands needs to incorporate serious commitments so that these amenities are protected. Energy project development, (Desert Rock in this case), is also going to be expected to take a financial support role in improving our air quality monitoring networks in this area, because southwestern Colorado air monitoring is being given low priority by our State Department of Public Health and Environment in Denver, which spends most of its monitoring resources on the Front Range and on the Interstate 70 corridor which heads west of Denver into the biggest ski areas of Summit County and the Aspen/Vail area. I expect the EPA to put pressure on Colorado's Air Quality Division Director to reverse this trend, however I am skeptical that you will change her mind. The Clean Air oversight of EPA by three separate Regions in the Four Corners is a comedy of Federal bureaucratic fragmentation, and the resulting communication and coordination failures are easily seen in the Desert Rock PSD permitting and NEPA process, the near exceedance of federal ozone standards in the San Juan Basin-Farmington area, and in the inequitable allocation of air quality monitoring stations and resources in southwestern Colorado, northwestern NM, and in northern Arizona.

The Clean Air Act provides the legislative basis for the federal government, under oversight of EPA, to provide the highest degree of protection of air quality in Class One areas. Class One areas in the Four Corners region potentially affected by approval of the proposed PSD permit and construction of the Desert Rock project include the following National Parks: Mesa Verde, Arches, Black Canyon of the Gunnison, Bryce Canyon, Canyonlands, Capitol Reef, Grand Canyon, Great Sand Dunes and Zion. In addition, Bandelier and Petrified Forest National Monuments are also required to be afforded Class One protection in the region. The La Garita, Pecos, San Pedro Parks, Weminuche, West Elk and Wheeler Peak Wilderness Areas are also required to be given Class One protection.

EPA has concluded in their air quality impact report that Sithe used appropriate modeling procedures and followed applicable guidance to demonstrate that the proposed project does not violate any national Ambient Air Quality Standards or PSD increment, and that it will not have an adverse impact on any air quality related value at any Class One Area. I disagree with the EPA's conclusions. Specifically, I do not believe that the applicant has shown that its proposed Facility impact is below the Significant Impact level (SIL). I also believe that Sithe has failed to show that there is no violation of NAAQS, using cumulative impact analysis. The air quality monitoring results in the impact report supporting the PSD applications are of questionable accuracy because they do not include data from lower elevation stations of Montezuma and La Plata Counties, where public health exposure to emissions is greatest.



The EPA proposes to provide Class One area protection for visibility through use of a side agreement with Sithe, separate and apart from the terms and conditions of the PSD permit. Class One area protection is a major league responsibility of the EPA under the Clean Air Act. Side agreements are minor league tools, not legally enforceable. Any stipulations by the EPA for the protection of visibility should be legally binding and enforceable within the framework of the PSD permit, and not as side agreements.

I disagree with the EPA position that it is appropriate to propose approval of the PSD permit before there is agreement among Sithe, federal land managers, and the EPA to incorporate Site's commitment (within the PSD permit terms and conditions) to perform regarding visibility impacts on Class One areas. EPA is not fulfilling its oversight responsibilities under the Clean Air Act by encouraging that Sithe and federal land managers (pg. 38, impact report) come to a "side-agreement", one which would not be federally enforceable under the Clean Air Act and EPA regulatory function. Please explain to me how the public interest is best served by deferring requirements for visibility to a Black Hole side agreement after EPA approves the PSD permit. You know as well as I do that the current political appointees in the Departments of Agriculture and Interior who oversee the Forest Service Chief and the Directors of the National Park Service and the Bureau of Land Management would never support their Agency Forest Supervisors, Park Superintendents or BLM Field Managers in challenging Sithe on visibility matters! The card that will almost certainly be played by these political appointees is one that has been used many times, that of stating that the federal land managers have no authority to regulate pollution sources off federal lands, even though they may be damaging federal resources. That is why the Congress gave the EPA the oversight for enforcing the Clean Air Act. Please do not pass the buck to the federal land managers. EPA needs to do its job.

#### **4. EFFECTS OF THE PROPOSED PERMIT AND DESERT ROCK CONSTRUCTION ON AMBIENT AIR QUALITY AND VISIBILITY**

The EPA and the Applicant have erred by electing to not analyze the consequences of permit approval on the ambient ozone concentration in the vicinity of the City of Farmington, NM. In the year 2000 Farmington ambient ozone concentrations increased to a level nearly in violation of federal ozone standards, because of increased development of oil and gas wells in the San Juan Geological Basin surrounding Farmington. EPA Region VI Dallas and the (NMED) took proactive

action by assembling a task force to address measures and mitigations that would slow down the upward trend of ozone in Farmington's air. In their actions to date on this proposed PSD permit, the Region IX San Francisco Air Division has demonstrated a complete disregard for the public health of Farmington and Four Corners area residents with respect to elevated ozone. Furthermore Region IX has undercut the actions of the EPA Dallas Regional Administrator and New Mexico's Environment Department which have demonstrated real leadership on elevated ozone levels in the Farmington area.

I cannot understand why the EPA Region IX modelers and analysts have concluded (as they stated at the Sept. 14, 2006 Durango Public Information Forum on the PSD permit) that there would be no significant effect on visibility in the Four Corners region and within protected Class One areas with PSD permit approval and construction/startup of the Desert Rock facility. Anyone living in the Durango-Cortez-Farmington-Shiprock areas since the passage of the Clean Air Act will tell you that the vistas have deteriorated. It is common knowledge that haze and pollutants are limiting long distance views, such as that Class One vista from Mesa Verde's Far View to Shiprock (NM) by a very significant amount, whether measured in shortened miles view or days of the years with impaired views (dozens of days each year). You and the PSD applicant are simply spinning a web of mathematical and regulatory complexity in order to hide what is obvious to the average resident or visitor to the Four Corners area. The well documented deterioration in visibility in our area, and the developing necessity for regional haze rules are proof that you of the EPA Regions IX, VI and VIII and the State air quality regulators of the Four Corners States have all failed miserably with the tools and the funding the public has given you. Therefore, "an expected 99 percent reduction in Fine Particulates (ash, soot, Lead) with Desert Rock air pollution control equipment is simply not sufficient; only 100 percent is acceptable. Even a 1 percent release will add to the cumulative damage that EPA and State regulation has allowed to take place.

I would like the EPA to explain why there is no evidence in the visibility section of the Ambient Air Quality Impact report that EPA considered or used other modeling data such as that available from the Air Resources Division of the USDI National Park Service. The EPA should clarify why these data were not used, as you have a responsibility for protection of air in Class One areas, most of which are administered by the NPS. It casts a biased flavor on the EPA's "statement of basis and fact" when we see that only the applicant's (Sithe) modeling data were used.

Perhaps the most dangerous pollutant, mercury, is unaddressed in the proposed PSD permit conditions. Mercury is also unaddressed in EPA's Ambient Air Quality

Impact report (NSR 4-1-3, AZP 04-01). EPA has an illogical set of priorities for controlling mercury exposure in the environment and protecting public health. The current Administration has a watered-down Mercury rule, which rolls back more ambitious regulation of emissions from coal-fired power plants many years down the road. The issue of mercury release from coal-fired power plants has been known of for decades (CDC Report on Environmental Exposures). Meanwhile instead of facing the fact that power plants are the largest man made source of mercury emission in the U.S., the Bush Administration and EPA have been playing academic games with economists on how to make financial markets in mercury emissions trading. A national mercury emission cap would be allocated among the states by EPA. In addition, rather than moving forward smartly with implementing regulations for the Clean Air Mercury Rule on the larger mercury problem (coal-fired power plants), EPA has been dallying around for years with trying to get hospitals to give up their mercury-laden instruments, encouraging recycling of mercury from light bulbs, and getting groups to find mercury substitutes for scientific instrumentation such as manometers. As a result of EPA headquarters and CEQ's illogical sense of priorities and complete lack of addressing more significant mercury sources first, we have a pretty little mercury rule with no teeth, no wheels, and zero traction that is merely a showpiece in the real world of coal-fired electricity production, during a time when the President has said we will use coal heavily in the near and mid-term while we work harder on renewable energy sources such as solar and bio-fuels. EPA stated in their Durango public meeting last month that no mercury requirement would be placed in the PSD permit because work is not yet completed by the Agency and the State of NM on implementation of the Clean Air Mercury Rule. Just how does EPA think we have a decade or more to get our mercury emissions act together?

Mercury problems in the Four Corners are well-documented, going back to the 1990s, with fish consumption advisories posted for Navajo reservoir, McPhee and Narraguinnep reservoirs, and last summer a new posting placed on Vallecito reservoir in the Pine River drainage by Colo. Division of Wildlife. These are aquatic hotspots, and credible peer-referred USGS published evidence (John E. Gray et al., 2005, Applied Geochemistry, v. 20: 207-220) exists linking the increased accumulation in reservoir bottom sediments to the operation of coal-fired power plants. The last thing people of the Four Corners need is a cap and trade mercury emission deal to be cut between eastern power plants (from states short on mercury allowances) and new plants like Desert Rock or existing ones like Four Corners plant on the Navajo reservation. Such a deal will simply result in more mercury hotspot creation in the Four Corners, a region which already has the second highest levels of wet-deposition mercury in the U.S., at Mesa Verde National Park, a Class One protected area.

The EPA needs to get serious about mercury reduction in emissions from the proposed Desert Rock plant. PNM Resources at Waterflow, NM is showing a commitment to reducing mercury by retrofitting their generation units at the San Juan generating Station on a voluntary basis, according to Hugh Smith, PNM Vice President. Sithe should be held to a 90 percent mercury reduction as a minimum, as a condition of the PSD permit. As a mitigating measure in the Desert Rock EIS, Sithe also should be required to fund sufficient mercury monitoring in Montezuma County, Colorado that will allow trends in mercury hotspots to be evaluated, as a result of mercury controls. Meaningful participation by Sithe in sponsoring mercury monitoring here is worth far more to me than the vacant promises of 90 percent reduction of mercury emissions that Sithe says they may be able to achieve. Such promises are unenforceable if not documented in terms of the PSD permit.

I appreciate the opportunity to comment on the PSD proposed permit, and I would appreciate some responses to the questions and concerns I have raised in these comments. Please keep me abreast of future actions made by EPA on this PSD permit application.

*Eric Janes*

Eric Janes,  
ejanes@frontier.net

4, Mancos, CO 81328

*(Also sent electronically 10-26-2006 to  
desertrockairpermit@epa.gov)*

**Date:** Thu, 26 Oct 2006 15:11:22 -0600 [03:11PM MDT]

**From:** ejanes@frontier.net

**To:** desertrockairpermit@epa.gov, baker.robert@epa.gov

**Cc:** "Asbury, Mary Lou" <ccmla@fone.net>, "Whitney, John" <john.whitney@mail.house.gov>, "Brown, Ann" <ann\_brown@salazar.senate.gov>, bill@ritterforgovernor.com, "Isgar, Jim" <isgarsenate@frontier.net>, joecolgan@gobrainstorm.net, "Patton, Vickie" <vpatton@ed.org>, "Hertel, Terry" <terry.hertel@state.nm.us>

**Bcc:** David Janes <dwjanes@yololaw.com>, "Janes, Dave" <dwj46@sbcglobal.net>, "Oliva, Sylvia2" <sylviaoliva@msn.com>, Betty Janes <betty\_janes@nps.gov>, "Roberts, Tom" <Tom\_Roberts@blm.gov>, dhjanes@aol.com

**Subject:** Desert Rock Project: Comments on PSD Permit due 10-27-06

**Part(s):**  2 Comments on proposed PSD Permit\_ERIC JANES.doc [application/msword] 56 KB

 1 Plaintext Version of Message [text/plain] 0.27 KB

Attached are my comments on the Environmental Protection Agency's (San Francisco Region IX) proposed Prevention of Significant Deterioration (PSD) air quality permit for the Desert Rock Energy Project, due by October 27, 2006.

Eric Janes: Mancos, Colorado

 2 Comments on proposed PSD Permit\_ERIC JANES.doc [application/msword] 56 KB

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ejanes@frontier.net  
10/26/2006 02:11 PM

To DesertRockAirPermit@EPA, Robert  
Baker/R9/USEPA/US@EPA  
cc "Asbury, Mary Lou" <ccmla@fone.net>, "Whitney, John"  
<john.whitney@mail.house.gov>, "Brown, Ann"  
<ann\_brown@salazar.senate.gov>,  
bcc

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Eric Janes: Mancos, Colorado Comments on proposed PSD Permit\_ERIC JANES.doc

**OCTOBER 26, 2006**

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**1. GENERAL COMMENTS:**

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## **2. USE OF BEST AVAILABLE CONTROL TECHNOLOGY IN DESIGN OF THE PROPOSED PSD PERMIT FOR THE DESERT ROCK ENERGY CENTER**

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such as Desert Rock, whether it be on tribal lands or non-tribal lands needs to incorporate serious commitments so that these amenities are protected. Energy project development, (Desert Rock in this case), is also going to be expected to take a financial support role in improving our air quality monitoring networks in this area, because southwestern Colorado air monitoring is being given low priority by our State Department of Public Health and Environment in Denver, which spends most of its monitoring resources on the Front Range and on the Interstate 70 corridor which heads west of Denver into the biggest ski areas of Summit County and the Aspen/Vail area. I expect the EPA to put pressure on Colorado's Air Quality Division Director to reverse this trend, however I am skeptical that you will change her mind. The Clean Air oversight of EPA by three separate Regions in the Four Corners is a comedy of Federal bureaucratic fragmentation, and the resulting communication and coordination failures are easily seen in the Desert Rock PSD permitting and NEPA process, the near exceedance of federal ozone standards in the San Juan Basin-Farmington area, and in the inequitable allocation of air quality monitoring stations and resources in southwestern Colorado, northwestern NM, and in northern Arizona.

The Clean Air Act provides the legislative basis for the federal government, under oversight of EPA, to provide the highest degree of protection of air quality in Class One areas. Class One areas in the Four Corners region potentially affected by approval of the proposed PSD permit and construction of the Desert Rock project include the following National Parks: Mesa Verde, Arches, Black Canyon of the Gunnison, Bryce Canyon, Canyonlands, Capitol Reef, Grand Canyon, Great Sand Dunes and Zion. In addition, Bandelier and Petrified Forest National Monuments are also required to be afforded Class One protection in the region. The La Garita, Pecos, San Pedro Parks, Weminuche, West Elk and Wheeler Peak Wilderness Areas are also required to be given Class One protection.

EPA has concluded in their air quality impact report that Sithe used appropriate modeling procedures and followed applicable guidance to demonstrate that the proposed project does not violate any national Ambient Air Quality Standards or PSD increment, and that it will not have an adverse impact on any air quality related value at any Class One Area. I disagree with the EPA's conclusions. Specifically, I do not believe that the applicant has shown that its proposed Facility impact is below the Significant Impact level (SIL). I also believe that Sithe has failed to show that there is no violation of NAAQS, using cumulative impact analysis. The air quality monitoring results in the impact report supporting the PSD applications are of questionable accuracy because they do not include data from lower elevation stations of Montezuma and La Plata Counties, where public health exposure to emissions is greatest.

The EPA proposes to provide Class One area protection for visibility through use of a side agreement with Sithe, separate and apart from the terms and conditions of the PSD permit. Class One area protection is a major league responsibility of the EPA under the Clean Air Act. Side agreements are minor league tools, not legally enforceable. Any stipulations by the EPA for the protection of visibility should be legally binding and enforceable within the framework of the PSD permit, and not as side agreements.

I disagree with the EPA position that it is appropriate to propose approval of the PSD permit before there is agreement among Sithe, federal land managers, and the EPA to incorporate Site's commitment (within the PSD permit terms and conditions) to perform regarding visibility impacts on Class One areas. EPA is not fulfilling its oversight responsibilities under the Clean Air Act by encouraging that Sithe and federal land managers (pg. 38, impact report) come to a "side-agreement", one which would not be federally enforceable under the Clean Air Act and EPA regulatory function. Please explain to me how the public interest is best served by deferring requirements for visibility to a Black Hole side agreement after EPA approves the PSD permit. You know as well as I do that the current political appointees in the Departments of Agriculture and Interior who oversee the Forest Service Chief and the Directors of the National Park Service and the Bureau of Land Management would never support their Agency Forest Supervisors, Park Superintendents or BLM Field Managers in challenging Sithe on visibility matters! The card that will almost certainly be played by these political appointees is one that has been used many times, that of stating that the federal land managers have no authority to regulate pollution sources off federal lands, even though they may be damaging federal resources. That is why the Congress gave the EPA the oversight for enforcing the Clean Air Act. Please do not pass the buck to the federal land managers. EPA needs to do its job.

#### **4. EFFECTS OF THE PROPOSED PERMIT AND DESERT ROCK CONSTRUCTION ON AMBIENT AIR QUALITY AND VISIBILITY**

The EPA and the Applicant have erred by electing to not analyze the consequences of permit approval on the ambient ozone concentration in the vicinity of the City of Farmington, NM. In the year 2000 Farmington ambient ozone concentrations increased to a level nearly in violation of federal ozone standards, because of increased development of oil and gas wells in the San Juan Geological Basin surrounding Farmington. EPA Region VI Dallas and the (NMED) took proactive

action by assembling a task force to address measures and mitigations that would slow down the upward trend of ozone in Farmington's air. In their actions to date on this proposed PSD permit, the Region IX San Francisco Air Division has demonstrated a complete disregard for the public health of Farmington and Four Corners area residents with respect to elevated ozone. Furthermore Region IX has undercut the actions of the EPA Dallas Regional Administrator and New Mexico's Environment Department which have demonstrated real leadership on elevated ozone levels in the Farmington area.

I cannot understand why the EPA Region IX modelers and analysts have concluded (as they stated at the Sept. 14, 2006 Durango Public Information Forum on the PSD permit) that there would be no significant effect on visibility in the Four Corners region and within protected Class One areas with PSD permit approval and construction/startup of the Desert Rock facility. Anyone living in the Durango-Cortez-Farmington-Shiprock areas since the passage of the Clean Air Act will tell you that the vistas have deteriorated. It is common knowledge that haze and pollutants are limiting long distance views, such as that Class One vista from Mesa Verde's Far View to Shiprock (NM) by a very significant amount, whether measured in shortened miles view or days of the years with impaired views (dozens of days each year). You and the PSD applicant are simply spinning a web of mathematical and regulatory complexity in order to hide what is obvious to the average resident or visitor to the Four Corners area. The well documented deterioration in visibility in our area, and the developing necessity for regional haze rules are proof that you of the EPA Regions IX, VI and VIII and the State air quality regulators of the Four Corners States have all failed miserably with the tools and the funding the public has given you. Therefore, "an expected 99 percent reduction in Fine Particulates (ash, soot, Lead) with Desert Rock air pollution control equipment is simply not sufficient; only 100 percent is acceptable. Even a 1 percent release will add to the cumulative damage that EPA and State regulation has allowed to take place.

I would like the EPA to explain why there is no evidence in the visibility section of the Ambient Air Quality Impact report that EPA considered or used other modeling data such as that available from the Air Resources Division of the USDI National Park Service. The EPA should clarify why these data were not used, as you have a responsibility for protection of air in Class One areas, most of which are administered by the NPS. It casts a biased flavor on the EPA's "statement of basis and fact" when we see that only the applicant's (Sithe) modeling data were used.

Perhaps the most dangerous pollutant, mercury, is unaddressed in the proposed PSD permit conditions. Mercury is also unaddressed in EPA's Ambient Air Quality

Impact report (NSR 4-1-3, AZP 04-01). EPA has an illogical set of priorities for controlling mercury exposure in the environment and protecting public health. The current Administration has a watered-down Mercury rule, which rolls back more ambitious regulation of emissions from coal-fired power plants many years down the road. The issue of mercury release from coal-fired power plants has been known of for decades (CDC Report on Environmental Exposures). Meanwhile instead of facing the fact that power plants are the largest man made source of mercury emission in the U.S., the Bush Administration and EPA have been playing academic games with economists on how to make financial markets in mercury emissions trading. A national mercury emission cap would be allocated among the states by EPA. In addition, rather than moving forward smartly with implementing regulations for the Clean Air Mercury Rule on the larger mercury problem (coal-fired power plants), EPA has been dallying around for years with trying to get hospitals to give up their mercury-laden instruments, encouraging recycling of mercury from light bulbs, and getting groups to find mercury substitutes for scientific instrumentation such as manometers. As a result of EPA headquarters and CEQ's illogical sense of priorities and complete lack of addressing more significant mercury sources first, we have a pretty little mercury rule with no teeth, no wheels, and zero traction that is merely a showpiece in the real world of coal-fired electricity production, during a time when the President has said we will use coal heavily in the near and mid-term while we work harder on renewable energy sources such as solar and bio-fuels. EPA stated in their Durango public meeting last month that no mercury requirement would be placed in the PSD permit because work is not yet completed by the Agency and the State of NM on implementation of the Clean Air Mercury Rule. Just how does EPA think we have a decade or more to get our mercury emissions act together?

Mercury problems in the Four Corners are well-documented, going back to the 1990s, with fish consumption advisories posted for Navajo reservoir, McPhee and Narraguinnep reservoirs, and last summer a new posting placed on Vallecito reservoir in the Pine River drainage by Colo. Division of Wildlife. These are aquatic hotspots, and credible peer-referred USGS published evidence (John E. Gray et al., 2005, *Applied Geochemistry*, v. 20: 207-220) exists linking the increased accumulation in reservoir bottom sediments to the operation of coal-fired power plants. The last thing people of the Four Corners need is a cap and trade mercury emission deal to be cut between eastern power plants (from states short on mercury allowances) and new plants like Desert Rock or existing ones like Four Corners plant on the Navajo reservation. Such a deal will simply result in more mercury hotspot creation in the Four Corners, a region which already has the second highest levels of wet-deposition mercury in the U.S., at Mesa Verde National Park, a Class One protected area.

The EPA needs to get serious about mercury reduction in emissions from the proposed Desert Rock plant. PNM Resources at Waterflow, NM is showing a commitment to reducing mercury by retrofitting their generation units at the San Juan generating Station on a voluntary basis, according to Hugh Smith, PNM Vice President. Sithe should be held to a 90 percent mercury reduction as a minimum, as a condition of the PSD permit. As a mitigating measure in the Desert Rock EIS, Sithe also should be required to fund sufficient mercury monitoring in Montezuma County, Colorado that will allow trends in mercury hotspots to be evaluated, as a result of mercury controls. Meaningful participation by Sithe in sponsoring mercury monitoring here is worth far more to me than the vacant promises of 90 percent reduction of mercury emissions that Sithe says they may be able to achieve. Such promises are unenforceable if not documented in terms of the PSD permit.

I appreciate the opportunity to comment on the PSD proposed permit, and I would appreciate some responses to the questions and concerns I have raised in these comments. Please keep me abreast of future actions made by EPA on this PSD permit application.

Eric Janes,  
ejanes@frontier.net

Mancos, CO 81328

-66

Dolores, Co. 81323  
8/15/06

E.P.A.,  
San Francisco, Ca. 94105

Dear Mr. Baker,

I am writing to you on behalf of CFAR, Citizens for Accountability and Responsibility, an organization of over 60 residents in Montezuma County Colorado. We oppose the sanctioning of the Desert Rock Power Plant. The questionable reputation of the Sithe group coupled with the testimony of an employee of another plant in the area stating that scrubbers were removed at night and the lack of regular inspection is just one factor in our opposition. The once pure blue sky beyond Cortez is now constantly hazy. Even though, supposedly, the "Best available Control Technology" is proposed, we cannot condone any additional environmental pollutants considering the cumulative emissions of all the plants in that area.

In your mailing, no mention was made of control of airborne mercury emissions. Much of the electricity generated in the four corners area goes to states other than Colorado, yet in the past few years the official values for mercury concentration in precipitation water at Mesa Verde measured the second highest in the nation. Fish in McPhee and Narraguinnep Reservoirs have the highest concentrations of mercury of any bodies of water in the state. The Colorado Department of Health and Environment has identified the sources- airborne mercury from the San Juan and Four Corners generating plants.

High doses of mercury cause retardation, neuromuscular dysfunction and death. Smaller doses, just 58 parts per billion can affect neuromuscular function and pose a high risk to fetuses. According to the National Academy of Science, more than 60,000 children born each year may suffer learning disabilities due to mercury exposure before birth.

Recent studies at Johns Hopkins have shown the linkage of mercury to heart attacks and coronary disease. The Washington Post reported research stating that 23,600 deaths each year are due to pollution from power plants. New Mexico has more than double the national average of mercury emissions and most of that comes from the 2 plants in the Farmington area. Research there has shown that one in twelve women in New Mexico have so much mercury in their system that if they were to become pregnant, their children would be highly likely to suffer permanent brain damage.

Airborne mercury movement is dependent upon prevailing winds and topography. We, in Montezuma County, are getting it in our reservoirs, our crops, our livestock feed and the air we breathe. Condoning the construction of more coal fired power plants with still imperfect emission control technologies and which, by the way, can and have been bypassed for greater efficiency, will significantly threaten our lives, the lives of our children, our reservoirs, agriculture and cattle.

We urge you to investigate and reconsider your approval.

Sincerely,

  
Pat Kantor, CFAR President

Dear Mr. Baker

10.8.6

I am taking the time to write this letter because I believe it is critical that you deny the Air Quality Permit for the proposed Desert Rock Power Plant. How can you evaluate the Draft Air Quality Permit when the DEIS has not even been released? It would seem that it is your intention to just rubber-stamp the permit without fulfilling your own mission: to protect public health and welfare and our fragile, ~~peren~~ perennially assaulted environment. In case you haven't noticed the 4-corners communities are already having significantly elevated mercury and ozone levels.

Please do your job and protect this region from more poison air. There are other safer, better ways to get more electricity.

Koeppen

Sincerely, Rebecca Koeppen  
Wholistic Health Educator

Ignacio, CO 81137



VI-68

Oct. 17, 2006

Dear Mr. Baker:

I am writing to express my opinion on the ongoing permit process for the proposed new Desert Rock Power Plant. I am a resident of the 4corners area in Colorado. Since I have lived here I have had the opportunity to travel throughout the region for over 30 years. I have always noted the existence of low elevation brown clouds of emissions from the existing Four Corners power plant and the other large power plant on the Navajo reservation, these brown emissions are usually at higher elevations, but often are now found at ground level. My concerns are numerous and passionate regarding the increasing occasions of air pollution that we find throughout the region. This new power plant will obviously increase these incidences and will do irreparable harm to the surrounding mountains with forests that are already recording record levels of acid rain and air particulates. I live in an area that is dependent on its scenic values to sustain our tourist economy. This is our livelihood and the impacts of another local power plant, no matter how state of the art, will undoubtedly increase the likelihood of negatively impacting the health of our citizens and visitors. I challenge you to demand a reevaluation of the impacts that will be incurred when this new plant is operating. I believe there are numerous laws that are in place that would protect our communities that have wilderness areas, national parks and other inherent historic, recreational and scenic values that will be impacted severely with this new project. How can you, as a representative of the EPA, allow an obvious degradation to take place for the benefit of only economic growth? We should be looking at how we can enact policy and action that will sustain us and our children and not compromise our health and well being for some short sighted policies that do nothing but ignore our responsibilities to our environment and our world. Ignoring the path of degradation leaves you and all of us at risk. Thank you for your careful reflection on this issue. Please reply to David Kuntz, B. Telluride, Co, 81435, or email to [details@wic.net](mailto:details@wic.net).

Sincerely,  
David Kuntz

~~XI~~ -69

Attn Robert Baker Air-3  
U.S. EPA

From: Glenn Landers  
208 W. Hedley  
Los Cruces, NM

4 pages including cover

Comment: The following comments  
& have also been emailed

Nov 13, 2006

**Glenn Landers**

**From:** Glenn Landers [glanders@wildmesquite.org]  
**Sent:** Monday, November 13, 2006 4:18 PM  
**To:** 'desertrockairpermit@epa.gov'  
**Subject:** Desert Rock comments

Robert Baker, Air-3  
U.S. Environmental Protection Agency  
75 Hawthorne St., San Francisco, CA 94105

Nov. 13, 2006

Dear Mr. Baker,

I would like to submit the following comments regarding the proposed PSD permit for the Desert Rock facility, to be located on the Navajo Nation near Shiprock, NM. I am a resident of New Mexico who has visited and recreated in the area that would be impacted by this facility, should it be constructed.

**Mercury emissions**

From emission factors found in AP-42, it seems to me that uncontrolled mercury emissions from a facility this size would be at a level that requires best available control technology. The Ambient Air Quality Impact Report (AAQIR) for Desert Rock, however, puts potential mercury emissions at a level of 0.057 tons per year for the entire project, which is below the PSD significance level. My guess is that this is because control devices required by the permit for other pollutants also remove mercury to the point that the facility is eligible to be a synthetic minor for mercury.

My understanding is, however, that for the facility to be a synthetic minor for mercury, restrictions on emissions must be practically enforceable and federally enforceable, and I question whether this is the case with this proposed facility.

The draft permit does not mention mercury as far as I can find, so even though there may be a control or controls that remove mercury, and those may be practically and federally enforceable with regard to the pollutants that are associated with the control(s) in the permit, I don't think they can establish the facility as a synthetic minor for mercury without specifically saying so in the permit. The permit should, assuming EPA has the regulatory authority, specify that mercury is limited below PSD thresholds and it should tell what devices do that, what control efficiency they are intended to have for mercury, and give testing and reporting requirements to ensure the emissions stay below the threshold.

Failing that, the facility should have a synthetic minor permit from a federally approved minor source permitting program, so that the provisions are federally enforceable. This permit should be either already approved, or the PSD permit should be contingent on the issuance of such a permit.

Should EPA lack the authority to add federally enforceable limitations to the PSD permit, and if there is no other way to ensure federally enforceable restrictions on mercury emission, then it is my belief that mercury needs to be treated as subject to PSD and a BACT analysis needs to be done.

11/13/2006

### Sulfur dioxide emissions

I have not been able to find in the permit any requirement for testing sulfur levels in the coal. My understanding is that the associated mine will perform some mixing of the coal prior to shipping it to the facility. If this is to control sulfur levels, then it seems possible that coal could be received by the facility that has too high a sulfur content.

It seems to me that keeping sulfur levels in the coal below a certain level is as much a part of BACT as the use of control devices, since emission levels depend on both. Sulfur levels, then, should be below the amount used to determine BACT, even if the use of higher sulfur coal somehow does not cause the facility to violate an emission limit.

The permit should require either the mine to document that the coal delivered is below the necessary sulfur content, or require the permittee to test the sulfur content in the coal. There should also be appropriate reporting requirements.

### Efficiency of control devices

I have not found any mention in the permit of required efficiencies of control devices. Since the determination of BACT is based on these control efficiencies, they need to be specified in the permit, along with testing, monitoring, and reporting requirements to ensure the devices remain within the performance range required.

For example, the permit has a requirement for fabric filters. I believe the permit should specify some efficiency level for the filters. The permit should require that the efficiency should be monitored either directly, by having continuous emission monitors before and after the filter, or parametrically by monitoring continuously some variable that works as a reliable indicator of efficiency, like the pressure drop. If an appropriate pressure drop can not be determined now, then the permit should require that the filters operate at or above the pressure drop that occurs at the time the facility establishes compliance with emission limits.

Something like this should be done for every control device. There should also be a reporting requirement any time a control device's efficiency, or its measured parameter, is outside the required range.

### Environmental justice issues

My understanding is that the EPA recognizes there are environmental justice issues involved in this permitting action, but is unwilling to deal with them in the context of this permit. Instead, I understand that EPA promises to do something about environmental justice at some later date, in some different process.

I am concerned about this for a couple reasons. First, it seems to me that the EPA is required to take environmental justice into consideration in all of its actions that involve an environmental justice concern. Unless EPA has plan to do something soon that will remove all disparate impacts, how can the agency refuse to use a valuable tool like the PSD permit?

Second, the public can not respond adequately to the environmental justice aspects of the permitting

action if they are told that that issue will be dealt with later in some different action. This asks the public to weigh the known against the unknown and form a judgment that no one can make. And, should they adopt the wait and see approach and it turns out the EPA action is not adequate, the public will have missed an important opportunity in this permitting process to deal with disparate impacts.

Sincerely,

Glenn Landers  
Ave.  
Las Cruces, NM 88005

11/13/2006